REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Unlicensed Professional Real Estate Activity of NICHOLAS ROGERS	FINAL ORDER BY DEFAULT AND ORDER TO CEASE AND DESIST

PROCEDURAL HISTORY AND PROCEDURAL LAW

1.

1.1 On August 13, 2026, the Real Estate Commissioner issued, by certified mail, a *Notice of Intent to Assess a Civil Penalty and Order to Cease and Desist*. The Oregon Real Estate Agency (Agency) sent the Notice of Intent to Rogers last known address of record with the Agency 93014 Vista Del Rio Coos Bay, OR 97420. The *Notice of Intent* was also mailed to Rogers by regular first class mail to the above address. And the Notice of Intent was also emailed to info@wclocksmith.com at his email address of record.

1.2 The email was not returned as undeliverable.

1.3 Neither the certified mailings nor the first class mailings have been returned to the Agency. Over 20 (20 days) have elapsed since the mailing of the notice issued in this matter and no written request for hearing has been received by the Agency.

2.

Based upon the foregoing, and upon the Agency's investigation reports, documents and files that, pursuant to Section 9 of the *Notice of Intent,* automatically become part of the evidentiary record of this disciplinary action upon default (for the purpose of proving a prima facie case (ORS 183.417(4)), the Real Estate Commissioner finds:

2.1 A notice of intent is properly served when deposited in the United States mail, registered or certified mail, and addressed to the real estate licensee or to any other person having an interest in a proceeding before the Commissioner at the licensee's or other person's last known address of record with OREA. (ORS 183.415(2); OAR 137-003-0505; OAR 863-

001-0006. If correctly addressed, such a notice is effective even though it is not received by the person to be notified. *Stroh v. SAIF,* 261 OR 117, 492 P2d 472 (1972) (footnote 3 in this case misquotes the cited treatise and contradicts the text of the opinion; treatise and cited case law support the proposition stated in the text.) Also, notice is effective even though the addressee fails or refuses to respond to a postal service "mail arrival notice" that indicates that certified or registered mail is being held at the post office. *See State v. DeMello,* 300 Or App 590, 716 P2d 732 (1986) (discussing use of certified mail to effectuate notice of driver's license suspension under ORS 482.570). *See also El Rio Nilo, LLC v. OLCC,* 240 Or App 362, 246 P3d 508 (2011) (Notice by certified mail effective even though addressee did not pick up in time to file request for hearing timely).(Oregon Attorney General's Administrative Law Manual and Uniform Model Rules Of Procedure Under the Administrative Procedures 2019 edition at pages 97-98.

2.2 Rogers' last known address of record with the Agency was 93014 Vista Del Rio Coos Bay, OR 97420.

2.3 A certified mailing of the notice of intent was mailed to Rogers at 93014 Vista Del Rio Coos Bay, OR 97420 last known address of record on August 13, 2026. The certified mailing of the notice has not been returned to the Agency.

2.4 The notice was also mailed regular first-class mail to the above address for Rogers. The first-class mailings have not been returned to the Agency. The OAH Rules contain a rebuttable presumption that documents sent by regular mail are received by the addressee. ORS 137-003-0520(10). If the regularly mailed notice is actually received, it is effective on the date received, rather than the date of mailing.

2.5 Over twenty (20) days have elapsed since the mailing of the notice and no written request for a hearing has been received.

2.6 As noted the *Notice of Intent to Assess a Civil Penalty and Order to Cease and Desist* above, the Agency's entire investigation file was designated as the record for purposes of presenting a prima facie case upon default, including submissions from Josh Cogburn (Cogburn) and all information in the administrative file relating to the mailing of notices and any responses received.

FINDINGS OF FACT

3.

3.1 At all times mentioned herein, Rogers was not licensed to conduct professional real estate activity in Oregon.

3.2 At all times mentioned herein, Rogers was not licensed to conduct professional real estate activity in Oregon.

3.3 On April 3, 2026, the Agency received a complaint from Cogburn against Rogers. In his complaint, Cogburn alleged that Rogers failed to remit rental income and accounting records.

3.4 In an interview with Agency Investigator Lindsey Nunes (Nunes), Cogburn explained that after hiring Rogers for a locksmith job, Rogers told him he had a property management service.

3.5 Records show that on November 24, 2025, Cogburn entered a property management agreement with Rogers and West Coast Property Management Services (WCPM) to manage his property located in Coos Bay, Oregon.

3.6 A review of the Oregon Secretary of State website showed Rogers as the manager of WCPM.

3.7 Rogers placed tenants on the property in December 2025. Cogburn further explained that he gave Rogers permission to withhold the December 2025 rent in order for repairs to be done on the property, but Rogers never provided invoices for the work that was done.

3.8 Cogburn received prorated rent from Rogers for December 2025 and rent for January through March 2026. Cogburn reported that he did not receive any further rental disbursements after March 2026.

3.9 As of May 1, 2026, Cogburn explained he has not received $4,000.00 in rental income, a $150.00 repair account, and $2,100.00 in security deposits returned from Rogers.

3.10 A review of the Agency's online licensing database showed that Rogers does not have a real estate license, and WCPM is not a registered business.

3.11 Rogers did not respond to the Agency's attempts to engage during the investigation.

STATEMENT OF LAW APPLICABLE TO FINDINGS OF FACT

4.

4.1 ORS 696.020(2) (2025 edition) states an individual may not engage in, carry on, advertise or purport to engage in or carry on professional real estate activity, or act in the capacity of a real estate licensee, within this state unless the individual holds an active license as provided for in this chapter.

4.2 ORS 696.990(4)(a) and (b) (2025 edition) states any person that violates ORS 696.020(2) may be required by the Real Estate Commissioner to forfeit and pay to the General Fund of the State Treasury a civil penalty in an amount determined by the commissioner of: (a) not less than $1000 nor more than $2500 for the first offense of unlicensed professional real estate activity; and (b) not less than $2500 nor more than $5,000 for the second and subsequent offenses of unlicensed professional real estate activity.

4.3 ORS 696.010(6) (2025 edition) defines “compensation” as: valuable consideration for services rendered or to be rendered, whether contingent or otherwise.

4.4 ORS 696.010(14)(a)(A)-(M) and (b)(A)-(F) (2025 edition) defines “Management of rental real estate” to include any of the following actions, when engaged for compensation, (a) Representing the owner of real estate under a property management agreement in the rental or lease of the real estate, (B) Procuring prospective tenants to rent or lease the real estate, (D) Accepting deposits from prospective tenants; and (F) Charging and collecting rent or lease payments, (b) Representing a tenant or prospective tenant when renting or leasing real estate for which a real estate property manager has a property management agreement with the owner of the real estate and includes but is not limited to: (D) Accepting deposits or other funds from prospective tenants for renting or leasing real estate and holding the funds in trust for the prospective tenants.

4.5 ORS 696.010(18)(b)(c)(h)(i)(j) (2025 edition) defines “Professional real estate activity”, to include any of the following actions, when engaged in for another and for compensation or with the intention or in the expectation or upon the promise of receiving or collecting compensation, by any person who: (b) offers to sell exchange, purchase, rent or lease real estate; (c) Negotiates, offers, attempts or agrees to negotiate the sale, exchange, purchase, rental or leasing of real estate; (h) engages in management of rental real estate; (i)

purports to be engaged in the business of buying, selling, exchanging, renting or leasing real estate; (j) assists or directs in the procuring of prospects, calculated to result in the procuring of prospects, calculated to result in the sale, exchange, leasing or rental of real estate.

4.6 ORS 696.010(20) (2025 edition) defines “real estate” as: includes leaseholds and licenses to use including, but not limited to, timeshare estates and timeshare licenses as defined in ORS 94.803, as well as any and every interest or estate in real property, whether corporeal or incorporeal, whether freehold or non-freehold, whether held separately or in common with others and whether the real property is situated in this state or elsewhere.

4.7 ORS 696.397 states if the Agency has reason to believe that a person has engaged, is engaging or is about to engage in a violation of ORS 696.020(2) the Agency may, issue an order directing a person to cease and desist from the violation or threatened violation.

4.8 The Agency may rely on one or more definitions contained in ORS 696.010.

ULTIMATE FINDINGS OF FACT

5.

5.1 Rogers engaged in unlicensed professional real estate activity.

5.2 Rogers had the expectation or promise of receiving or collecting compensation for the professional real estate activity performed.

5.3 Rogers actions constitute grounds to impose a civil penalty per ORS 696.990(4)(a) and (b), as well as entry of an order to cease and desist from engaging in any professional real estate activity under ORS 696.397.

CONCLUSIONS OF LAW

6.

6.1 Pursuant to ORS 183.417(4) and OAR 137-003-0670 Rogers is in default.

6.2 The material facts establish grounds to impose a civil penalty, by preponderance of the evidence, under ORS 696.990(4)(a) and (b), as well as entry of an order to cease and desist from engaging in any professional real estate activity under ORS 696.397, as set forth in the Notice of Intent to Assess a Civil Penalty and Order to Cease and Desist.

6.3 Based on the violations of ORS 696.020(2), the Agency may assess a civil penalty against Rogers for each violation and as well as enter an order to cease and desist from engaging in any professional real estate activity.

6.4 Based on the evidence in the record, the preponderance of the evidence supports the civil penalty against Rogers and an entry of an order to cease and desist from engaging in any professional real estate activity.

6.5 The Agency may therefore assess a civil penalty against Rogers for each violation and enter an order to cease and desist from engaging in any professional real estate activity.

ORDER

IT IS HEREBY ORDERED that pursuant to ORS 696.397, Rogers immediately cease and desist from engaging in any professional real estate activity as defined in ORS 696.010(18)(a)-(n) (2025 edition) unless Rogers first obtains a real estate license from the Agency. The Commissioner's authority for this order is under ORS 696.397.

IT IS FURTHER ORDERED, pursuant to ORS 696.990 and based upon the violations set forth above, Rogers pay a civil penalty in the sum of $27,500, said penalty to be paid to the General Fund of the State Treasury by paying the same to the Agency.

Dated this 15th day of October, 2026.

OREGON REAL ESTATE AGENCY

Steve Strode
box SIGN 193X36Y6-4Z3K368Z

Steven Strode
Real Estate Commissioner

NOTICE OF RIGHT TO APPEAL: You are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition for review within 60 days from the date of service of this order. Judicial review is to the Oregon Court of Appeals, pursuant to the provisions of ORS 183.482.